



ARKANSAS INSURANCE DEPARTMENT
LEGAL DIVISION
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July 17, 2003

BULLETIN NO. 3-2003

TO: LICENSED INSURANCE COMPANIES, LICENSED HEALTH MAINTENANCE ORGANIZATIONS, LICENSED HOSPITAL AND MEDICAL SERVICE CORPORATIONS, LICENSED FARMERS' MUTUAL AID ASSOCIATIONS AND COMPANIES, LICENSED FRATERNAL BENEFIT SOCIETIES

LICENSED RESIDENT INSURANCE AGENCIES AND INDIVIDUAL PRODUCERS, REGISTERED CONTINUING EDUCATION COURSE PROVIDERS, AGENT AND COMPANY TRADE ASSOCIATIONS, AND OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

RE: SEALING OF RECORDS REGARDING FAILURE TO REPORT OR MAINTAIN MANDATED EDUCATION REQUIREMENTS

Section 9 of Arkansas Act 1203 of 2003, effective July 16, 2003, amended Ark. Code Ann. § 23-64-304, to allow the Insurance Commissioner to seal a licensee's records regarding any fine levied against the licensee for failing to report and maintain mandated education requirements. The purpose of this Bulletin is to advise licensees of the process for having these records sealed.

The Commissioner will consider sealing a licensee's records regarding a fine levied more than a year ago for failure to report and maintain mandated education requirements. To request his or her records be sealed, a licensee should submit a letter request to the Commissioner indicating the Arkansas Insurance Department ("Department") matter number in which the fine was levied, that the licensee has complied with the terms of the consent order, and that the licensee has not been involved in any other administrative proceedings regarding the licensee's license since the levying of the fine which the licensee seeks to have sealed.

Upon approval of a licensee's request to have his or her records sealed, the licensee may state that the conduct that led to the fine and the fine itself never occurred. A licensee may not, however, state that the conduct that led to the fine and the fine itself never occurred until the licensee receives final documentation of the Commissioner's approval of the licensee's request to have his or her records sealed.

Insurance companies, HMOs, FMAAs, Fraternal and other insuring (indemnifying) entities which appoint insurance producers on Department licensing records are hereby directed to provide a copy of this bulletin to all their appointed or contractual producers.

Any questions regarding this Bulletin may be directed to Ms. Jean Langford, Chief Counsel, Legal Division, at 501-371-2820 or jean.langford@mail.state.ar.us, or to Fax 501-371-2639.

A handwritten signature in blue ink, appearing to read "Mike Pickens".

July 17, 2003

MIKE PICKENS
INSURANCE COMMISSIONER
STATE OF ARKANSAS

DATE